

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE MAY 18, 2006

AMENDED IN SENATE APRIL 17, 2006

**SENATE BILL**

**No. 1826**

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**Introduced by Senator Migden**

February 24, 2006

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An act to amend Section 44321 of the Health and Safety Code, relating to ~~toxic substances~~ *air pollution*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1826, as amended, Migden. Air toxics: bioaccumulative ~~toxics~~ *substances*.

Existing law designates the State Air Resources Board as the state entity responsible for the coordination and review of all levels of government in their efforts to control air pollution. Existing law provides that any facility that manufactures, formulates, uses, or releases any substance contained in a list compiled and maintained by the state board, as specified, must comply with the Air Toxics "Hot Spots" Information and Assessment Act of 1987.

This bill would require the state board to include in this list ~~substances suspected by the state board of persistently bioaccumulating~~ *known to the state to potentially bioaccumulate* in humans, as specified. The bill would also contain legislative findings about the need for the state to receive information regarding the use or release of persistent, bioaccumulative ~~toxics~~ *substances*.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) ~~Bioaccumulative chemicals~~ *Persistent, bioaccumulative substances* are long-lasting substances that can build up in the food chain to levels that can be harmful to human and ecological health. These ~~contaminants~~ *substances* can be transported long distances in the atmosphere and can move readily from land to air and water. Because of their persistence and bioaccumulative properties, these substances do not break down easily. Many of these substances are human-made and have only been in existence for a relatively short period of human history.

(b) Many persistent, bioaccumulative ~~toxiceants~~ *substances* are associated with a range of adverse human health effects, including effects on the nervous system, reproductive and developmental problems, cancer, and genetic impacts. Particular hazards may be posed to a developing fetus or to young children, in whom critical organs, including the central nervous system, are still under development. Also, certain individuals who consume, for economic or cultural reasons, large amounts of fish from local waters contaminated with persistent, bioaccumulative ~~toxiceants~~ *substances* may be at a higher risk for adverse effects.

(c) In order to protect public health and the environment, as well as to promote cleaner technologies and prevent pollution, the Legislature believes that it is the public's right to know about the release of persistent, bioaccumulative ~~toxiceants~~ *substances* into their homes, communities, and environment.

(d) For all of these reasons, it is essential that the state receive information regarding the use or release of persistent, bioaccumulative ~~toxiceants~~ *substances*.

SEC. 2. Section 44321 of the Health and Safety Code is amended to read:

44321. For the purposes of Section 44320, the state board shall compile and maintain a list of substances that contains, but is not limited to, all of the following:

(a) Substances identified by reference in paragraph (1) of subdivision (b) of Section 6382 of the Labor Code and substances placed on the list prepared by the National Toxicology Program and issued by the United States Secretary of

1 Health and Human Services pursuant to paragraph (4) of  
2 subsection (b) of Section 241 of Title 42 of the United States  
3 Code. For the purposes of this subdivision, the state board may  
4 remove from the list any substance which meets both of the  
5 following criteria:

6 (1) No evidence exists that it has been detected in air.

7 (2) The substance is not manufactured or used in California,  
8 or, if manufactured or used in California, because of the physical  
9 or chemical characteristics of the substance or the manner in  
10 which it is manufactured or used, there is no possibility that it  
11 will become airborne.

12 (b) Carcinogens and reproductive toxins referenced in or  
13 compiled pursuant to Section 25249.8, except those which meet  
14 both of the criteria identified in subdivision (a).

15 (c) Substances designated by the state board as toxic air  
16 contaminants pursuant to subdivision (b) of Section 39657 and  
17 substances on the candidate list of potential toxic air  
18 contaminants and the list of designated toxic air contaminants  
19 prepared by the state board pursuant to Article 3 (commencing  
20 with Section 39660) of Chapter 3.5 of Part 2, including, but not  
21 limited to, all substances currently under review and scheduled or  
22 nominated for review and substances identified and listed for  
23 which health effects information is limited.

24 (d) Substances for which an information or hazard alert has  
25 been issued by the repository of current data established pursuant  
26 to Section 147.2 of the Labor Code.

27 (e) Substances reviewed, under review, or scheduled for  
28 review as air toxics or potential air toxics by the Office of Air  
29 Quality Planning and Standards of the Environmental Protection  
30 Agency, including substances evaluated in all of the following  
31 categories or their equivalent: preliminary health and source  
32 screening, detailed assessment, intent to list, decision not to  
33 regulate, listed, standard proposed, and standard promulgated.

34 (f) Any additional substances recognized by the state board as  
35 presenting a chronic or acute threat to public health when present  
36 in the ambient air, including, but not limited to, any  
37 neurotoxins or chronic respiratory toxicants not included  
38 within subdivision (a), (b), (c), (d), or (e).

39 ~~(g) Any additional substances suspected by the state board of~~  
40 ~~persistently bioaccumulating in humans, not otherwise included~~

1 ~~within subdivisions (a to (f), inclusive. In making this~~  
2 ~~assessment, the state board shall rely on the information included~~  
3 ~~in the Third National Report on Human Exposures to~~  
4 ~~Environmental Chemicals created by the Centers for Disease~~  
5 ~~Control and Prevention.~~

6 *(g) Any additional substance known to the state to potentially*  
7 *bioaccumulate in humans, not otherwise included within this*  
8 *section, but only if the substance has both of the following*  
9 *characteristics:*

10 *(1) A half-life greater than 60 days in marine water, greater*  
11 *than 40 days in fresh water, or greater than 180 days in soil or*  
12 *sediment.*

13 *(2) A bioconcentration factor in aquatic species greater than*  
14 *1,000, or in the absence of this kind of data, an octanol-water*  
15 *partition coefficient greater than four “Bioconcentration factor”*  
16 *for the purposes of this paragraph means the concentration of a*  
17 *chemical in an organism divided by its concentration in a test*  
18 *solution or environment.*